

**Lebanon Township Committee  
April 16, 2014**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Mayor Thomas McKee called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

**FLAG SALUTE**

Mayor McKee asked everyone to please stand for the Flag Salute and for a Moment of Silence in honor of our Servicemen and Women.

**ROLL CALL**

Present -                    Thomas McKee                    Patricia Schriver                    Ronald Milkowski  
                                 Bernard Cryan                    Brian Wunder

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 13 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of April 2, 2014**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of April 2, 2014.*

**Minutes of the Executive Session Meeting of April 2, 2014**

*Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive meeting of April 2, 2014.*

**PUBLIC COMMENTS – for agenda items only.**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting.*

There were no comments from the Public.

*Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting.*

## **OLD BUSINESS**

### **Approve Agreement for Transfer of Interest in Real Property – Portion of Block 64, Lot 7.03**

Mayor McKee stated that the land to be transferred is a portion of Block 64, Lot 7.03. The Agreement is between Johnathan and Rachael Wolek of 139 Anthony Road and the Township of Lebanon. A portion of the Wolek property was inadvertently encroached upon when installing a Lebanon Township water tank and the Lebanon Township's Fire Department's parking lot. The Wolek's have decided to sell this portion of their property to the Township for \$1000.00, plus attorney fees; not to exceed \$1000.00.

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the agreement for the acquisition of a portion of land located at Block 64, Lot 7.03 and authorized the Mayor and Clerk to sign.*

### **OEM Coordinator- Request to Appoint OEM Deputies**

OEM Coordinator Alan Goracy stated that there are 15 areas in the Emergency Management Plan that need to be managed. Mr. Goracy noted that he will be discussing the Plan with the Mayor as he is part of it. Mr. Goracy stated that he feels that he needs two unpaid deputies to assist him in carrying out the Plan.

Mayor McKee appointed Bruce Cunningham and Joesph Maurizio as Deputy OEM Coordinators.

Mayor McKee asked Mr. Goracy to put some dates together to schedule a meeting with himself, Mr. Goracy, the Police Chief, the Fire Chief and the Deputies. Mr. Goracy stated that there is a concern that certain municipal officers are not sure of what their responsibilities are so he has made copies of the Plan for them. Mr. Goracy stated that there are a few positions on the OEM Committee that will need to be filled. Ms. Schriver noted that she has a person who is interested in sitting on the OEM Committee.

Mr. Goracy informed the Committee that he has until May 31, 2014 to acquire the generators. The generators do not all have to be put in at one time they can be installed at different times. The Township will be reimbursed 90% of the \$90,000.00 (\$82,000.00) cost for the generators. Mr. Goracy said that he and the Fire Chief are working on purchasing the generators but may need the help of the Township Engineer.

Mr. Goracy stated that FEMA has assigned representatives to Hunterdon County for the Sandy assistance. Mr. Goracy stated that he is dealing with a man from Texas who has helped him with the first part of the paperwork. Mr. Goracy noted that a new requirement was added in order to collect the final payment. Payroll sheets will need to be submitted verifying that employees were paid for the amount that was submitted. Mr. Goracy has submitted two claims; one for \$32,000.00, which the Township has received \$29,000.00 of and one for \$77,064.00, which the Township received \$39,000.00 of. The Township is still owed \$30,000.00. The \$32,000.00 payment was for emergency removal and the \$77,064.00 is mostly for payroll.

### **Gail Glashoff Memo – Ordinance 2014-04**

Mayor McKee stated that the Committee received a memo from the Planning Board Clerk stating that the Planning Board endorses the adoption of the Highlands Land Use Ordinance.

### **EMEX - Energy Auction**

Mayor McKee stated that the Energy Auction has been postponed and there is no impending date for consideration at this time. An auction may be scheduled at a later date or there may be no further action on the matter.

### **DPW Garage Floor**

Mr. Cryan stated that he received shots of the floor, with the elevations, from the Township Engineer, Steve Risse. Mr. Cryan informed Mr. Risse that the Committee needs to know what the level of liability is for the problems with the floor. Mr. Risse is seeking pricing to make improvements to the floor.

### **Volunteer Recognition**

Ms. Schriver stated that the Committee canceled the Township's volunteer dinner but agreed that there would be some sort of gathering to honor the Township's volunteers. Ms. Schriver stated that she does not want to see this overlooked. Mayor McKee stated that the Committee should put a date together for an event. Mr. Wunder suggested that everyone bring a dish. The matter will be discussed at the next Township Committee meeting.

## **NEW BUSINESS**

### **Zoning Officer Memo - ATK Inc. t/a Tony's Bistro – Areas of Building to be Licensed**

Mayor McKee stated that the New Jersey Division of ABC needs endorsement from the Township on which floors of the ATK Inc. t/a Tony's Bistro's building encompasses the authorized licensed area. The Zoning Officer went to the business and did not see any issue with the full interior (basement, 1<sup>st</sup> floor and 2<sup>nd</sup> floor) of the facility being included in the ABC licensed area as it is in the B-1 Zone where bars/restaurants are a permitted use.

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee endorsed the Zoning Officer's recommendation for the entire ATK Inc. facility to be an approved licensed area and authorized the Clerk to forward their endorsement to the NJ Division of ABC. AYES: Schriver, McKee, Milkowski, Cryan ABSTAIN: Mr. Wunder*

### **Mark Petrowski – Request for 100% Disabled Veteran Compensation, Back to 01/08/2010**

Mayor McKee stated that Mr. Petrowski is a veteran who honorably served our Country with the US Army, from July 28, 1970 to December 17, 1971. Mayor McKee thanked Mr. Petrowski and all veterans for the sacrifices they gave to enable all citizens to live free. Mayor McKee stated that, regrettably Mr. Petrowski has a service related disability which has been determined to be 100%.

Mayor McKee stated that upon an application from Mr. Petrowski, dated June 1, 2013, the Township sanctioned the property as exempt as of June 1, 2013 for as long as it is owned and occupied by Mr. Petrowski or his surviving spouse. Mr. Petrowski is now seeking additional relief based on a recent determination, by the Department of Veteran's Affairs, that Mr. Petrowski is rated permanently and totally disabled effective January 8, 2010. Mr. Petrowski has submitted a letter from the Veteran's Affairs, dated April 3, 2014, confirming the judgment. Mr. Petrowski is now requesting an exemption from property taxes back to January 8, 2010.

Mayor McKee asked for the thoughts of the Committee and the Township Attorney. Attorney Cushing stated that he dealt with a similar situation in another town and ultimately it is the Township Committee's decision as to whether they reimburse for back taxes or not.

Attorney Cushing suggested looking at past practices and if necessary, make adjustments to what the past practices were and adopt a resolution stating a future policy. Attorney Cushing suggested that he could provide a report and a proposed resolution to the Committee for their consideration. The Committee requested that Attorney Cushing prepare the report and resolution. The matter was held to the next meeting.

**Draft Remedial Investigation Report – Fire Station #1 – 143 Anthony Road  
(Authorize Clerk to Sign for Submission to NJDEP)**

Ms. Schriver stated that she was pleasantly surprised with the report prepared by Quest Environmental. Ms. Schriver stated that once signed and returned to Quest the report will be sent to the NJDEP for review. In the report, Quest is suggesting that the remedial portion of the case is complete. Hopefully, the DEP will feel that enough testing has been conducted and only ground water monitoring will need to be done. Ms. Schriver stated that the Township had previously approved a deed restriction but it has not been filed. Quest will have to follow through with the filing as it needs to be done. Ms. Schriver stated that the report shows that borings and air samplings were conducted in the building with no problems found. Ms. Schriver noted that a number of years ago the Committee opted not to sample the soil in the building which would have cost approximately \$50,000.00. At this point the Township saved money because that has not been found to be a problem. Ms. Schriver stated that there is no longer contamination coming from off site and the wells do not have to be tested anymore. The air is good in the building. The wells that needed to be replaced at fire house and the Fass property are testing fine. Ms. Schriver stated that she is hoping that the DEP will approve the report. The Township will have to continue monitoring some of the wells and hopefully the contamination levels will decrease. Ms. Schriver noted that once the DEP approves having just the ground water monitoring, the Township will need to apply for a DEP permit for a single type of monitoring. Ms. Schriver asked Quest how much the ground water monitoring would cost and was informed that it will be approximately \$2000.00, twice a year.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to sign the report submitted by Quest Environmental to be sent to the NJDEP.*

**PRESENTATION OF VOUCHERS**

Committee Members provided a description of vouchers exceeding \$1000.00.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the April 16, 2014 bill list in amount of \$2,489,316.10.*

## **CORRESPONDENCE**

- a. Tax Collector's Report for the Month of March 2014
- b. Tax Collector's Report of Uncollectible Taxes

## **PUBLIC COMMENTS**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:32 p.m.*

Ms. Laurie Hoffman stated that on May 3, 2014 from 10 a.m. -2 p.m. the Township Historians will be conducting a tour of the Swackhammer property for the Hunterdon County's Tercentennial celebration. There will be people there who will be sharing information on the history of the church and those who are buried in the cemetery.

Ms. Hoffman stated that beginning next Monday, for two weeks, there will be events held by the Tricentennial Committee that pertain to the Lindbergh case. Tickets are required and can be purchased on the Tricentennial website.

Ms. Hoffman asked if the wells that are being tested by Quest Environmental are coming up contaminated. Ms. Schriver stated that the monitoring wells are showing some contamination but not the wells at the houses, however, the levels are improving.

Mr. David Taylor of Butternut Road was present to provide the Committee with his thoughts on a large number of trees and shrubs that were cut on his property and questioned why there was no notice given prior to the work being done. Mr. Taylor stated that he spoke to the DPW Manager, Warren Gabriel, and was advised that they had to cut the tree line back due to safety concerns, not being able to get trucks in and out of the road and that he also received many complaints from residents about low hanging pine trees. Mr. Taylor stated that he would have liked notice prior to the work being done so he would have had the opportunity to cut the trees back himself. Mr. Gabriel stated that due to the weight of the snow this year the limbs were hanging low, hitting the windshields and breaking mirrors off the Township trucks. The Township had five mirrors broken off of trucks this winter. Mr. Gabriel stated that he left it up to the drivers to inform him of the worst areas in the Township that needed to be addressed. Mr. Gabriel apologized for not providing proper notification but felt that everyone saw the issue from all of the snow the Township received this year. Mr. Cryan and Mr. Gabriel will meet with Mr. Taylor to discuss the problem.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:57 p.m.*

**ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote to adjourn the meeting at 7:59 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: May 7, 2014

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Thomas McKee, Mayor